



# County of San Diego

## DEPARTMENT OF PUBLIC WORKS

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## MITIGATED NEGATIVE DECLARATION

May 15, 2009

Project Name: Emery Road Realignment Project

Project Number(s): PWR-1011355

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the  
Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Biological  
and Cultural Resources
1. California Environmental Quality Act Negative Declaration Findings:  
Find, that this Mitigated Negative Declaration reflects the decision-making body's  
independent judgment and analysis, and; that the decision-making body has  
reviewed and considered the information contained in this Mitigated Negative  
Declaration and the comments received during the public review period; and that  
revisions in the project plans or proposals made by or agreed to by the project  
applicant would avoid the effects or mitigate the effects to a point where clearly  
no significant effects would occur; and, on the basis of the whole record before  
the decision-making body (including this Mitigated Negative Declaration) that  
there is no substantial evidence that the project as revised will have a significant  
effect on the environment.
  2. Required Mitigation Measures:  
  
Refer to the attached Environmental Initial Study for the rationale for requiring the  
following measures:

#### A. BIOLOGICAL RESOURCES

1. Impacts to disturbed coastal sage scrub will be mitigated through deduction of 0.033 acre coastal sage scrub credits at the County's Rancho San Diego Mitigation Bank (1:1 ratio).
2. Impacts to disturbed coastal sage-chaparral scrub will be mitigated through deduction of 0.375 acre coastal sage scrub or coastal sage-chaparral credits at the County's Rancho San Diego Mitigation Bank (1:1 ratio).
3. Impacts to open coast live oak woodland will be mitigated through deduction of 0.035 acre oak woodland credits at the County's Rancho San Diego Mitigation Bank (1:1 ratio).
4. Impacts to southern coast live oak riparian forest will be mitigated through deduction of 0.015 acre riparian woodland credits at the County's Rancho San Diego Mitigation Bank (1:1 ratio).
5. Impacts to non-vegetated channel will be mitigated through removal and recontouring of the old road to widen the channel.
6. Vegetation removal, grading, clearing, and any construction-related activities are restricted during the breeding season (February 1 to September 15 of any year) within 300 feet (500 feet for raptors) of natural habitat for types of raptors and other migratory birds. Construction may proceed if a qualified biologist determines that no nesting birds are within 300 feet (500 feet for raptors).

#### B. CULTURAL RESOURCES

1. Impacts to CA-SDI-19,241 will be mitigated through implementation of a data recovery program to be performed by a qualified archaeologist.
2. A qualified archaeologist will be onsite during grading and excavation activities that occur in native soil.
3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and

regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

#### A. BIOLOGICAL RESOURCES

1. Prior to the start of construction, all construction and staging area limits will be clearly identified with orange construction fencing to ensure that construction activities remain within the defined construction limits. A qualified biologist shall inspect the fencing prior to the start of construction and shall monitor activities during vegetation removal and construction to avoid unauthorized impacts.
2. Top soil will be retained and reused on the project site using the "triple-lift soil salvage" procedures to conserve the native soil profile and native seed bank<sup>1</sup>.

**ADOPTION STATEMENT:** This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

NELSON E. OLIVAS, LUEG Program Manager  
DPW Environmental Services Unit

NEO:lb

<sup>1</sup> 1. "Mitigation Plan for Gaviota Tar Plant (*Hemizonia Increscens Villosa*)". County of Santa Barbara Planning and Development Department. 2008. Lompoc Wind Energy Project - Final Environmental Impact Report. Prepared by Aspen Environmental Group for County of Santa Barbara, Agoura Hills, CA.